Application No. 10/009,431
Filed: February 13, 2002
Group Art Unit:1636
Confirmation No.: 2347

REMARKS

The claims in this application are subject to a Restriction Requirement, the Examiner stating that the special technical feature of Group I lacks novelty and that, therefore, the inventions of the remaining Groups do not form a single general inventive concept. Claims 1, 3, 15, 17 and 23-26 are amended herein. Applicants submit that the claims as amended do form a single general inventive concept for the reasons given below and request that the Restriction Requirement be rescinded.

Applicants' amendment of the indicated claims is not to be construed as an admission that the Examiner's rejections were proper. The Applicants continue to believe that the pending claims are novel in view of the cited references. The indicated claims have been amended for the sole purpose of advancing the case to allowance.

In support of his position that that the special technical feature of Group I lacks novelty and that, therefore, the inventions of the remaining Groups do not form a single general inventive concept, the Examiner cites to Peulve et al. and Johnson et al., which are described as disclosing treating neurodegenerative disorders with nucleic acids encoding neurotrophic factors, specifically GDNF and neurturin. The Examiner argues that these two factors each contains the seven

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290

cysteine residues that are conserved across the entire TGF-β superfamily and believed to be the basis of the conserved cysteine knot structure.

The pending claims, following amendment, are directed to a pharmaceutical composition or to a diagnostic kit comprising a nucleic acid or its encoded protein defined as "a GDF-15 protein of the TGF-β superfamily or a functionally active derivative or part thereof having at least a neurotrophic effect on DAergic neurons." Applicants submit that this claim limitation is not taught or suggested in the cited references and that, thus, the rejection is overcome. Accordingly, the pending claims must be considered to be characterised by a single inventive concept.

If the Examiner finds that the Restriction Requirement still stands, Applicants elect the claims of Group II, as amended, for prosecution at this time. These claims are all directed to pharmaceutical compositions comprising a protein as described.

Applicants submit that all claims in the application are in condition for allowance and such action is requested.

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290

Application No. 10/009,431
Filed: February 13, 2002
Group Art Unit:1636
Confirmation No.: 2347

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter which would expedite allowance of the present application.

Respectfully submitted,

KLAUS UNSICKER ET AL.

By: Holliday C. Heine

Holliday C. Heine, Ph.D.
Registration No. 34,346
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

HCH/raw
308816-1